

REMARKS

The office action of October 17, 2006 has been carefully considered.

It is noted that claims 1-3, 6, 7 and 10-13 are rejected under 35 U.S.C. 103(a) over the patent to Clarke in view of the patent to Hansen.

Claim 8 is rejected under 35 U.S.C. 103(a) over Clarke in view of Hansen, and further in view of the patent to Swenson et al.

Claim 4 is rejected under 35 U.S.C. 103(a) over Clarke in view of Hansen, and further in view of the patent to Makarevitz.

Claim 5 is rejected under 35 U.S.C. 103(a) over Clarke in view of Hansen and Makarevitz, and further in view of the patent to S. Lowen.

Claim 9 is rejected under 35 U.S.C. 103(a) over Clarke in view of Hansen, and further in view of the patent to Ackeret.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to the patent to Clarke, it can be seen that this patent discloses a dispensing container. The claims of the present application define a tablet dispenser with a chase barrier that has a nose-shaped design with a wider back which protrudes in steps at the dispensing side and which is arranged such that its lateral distance to the side wall of the housing top part located at the dispensing side is larger than the diameter of the tablets, and that to the side wall of the housing bottom part located at the dispensing side is smaller than the diameter of the tablets. In Clarke the barrier 16 is web-shaped and slides in a knife-like fashion between the tablet being dispensed and the next subsequent tablet. A pushing back of following tablets is not possible with the barrier 16, at most a tablet that is only partially introduced into the outlet box formed by the barriers 8 and 9 can be destroyed. Thus, the barrier of the presently claimed invention and the barrier of Clarke are constructed differently and function in a different manner.

The patent to Hansen discloses a dispenser for pills or tablets. The dispenser of Hansen is formed of an outer housing part and an inner housing part that slides into the outer housing part. The tablets are held in the inner housing part. The lower portion of the inner housing part is provided on one side with an elastic, inwardly slidable suspension 10 having a finger 9, and the lower portion of the outer housing part has a ramp 12 on a corresponding side. During a dispensing operation, when the inner housing part is slid into the outer housing part, the ramp presses laterally against the suspension whereby the finger at the end of the suspension slides between the tablet being dispensed and the next following tablet as a barrier. The dispenser of Hansen is thus not constructed of housing parts that are assembled on each other, but instead is constructed of housing parts that slide into each other. Furthermore, the barrier of Hansen is arranged to be movable laterally or sideways and is manipulated from the outside via the ramp. Thus, the barrier of the presently claimed invention and the barrier of Hansen are constructed differently and function in a different manner.

The Examiner combined these references in determining that claims 1-3, 6, 7 and 10-13 would be unpatentable over such a combination. Applicant respectfully submits that the combination of references does not teach or suggest the presently claimed invention. Applicant submits that there is no relationship with the operation of the barrier of Clarke or the barrier of the presently claimed invention. Therefore it is submitted that a combination of these references does not teach the present invention.

Thus, it is respectfully submitted that the combination of references relied upon by the Examiner does not teach or suggest a tablet dispenser having the unique combination of features recited in the claims presently on file and discussed above.

In view of these considerations it is respectfully submitted that the rejection of claims 1-3, 6, 7 and 10-13 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

As for the other references which were cited in combination with Clarke and Hansen in rejecting claims 4, 5, 8 and 9, these references have also been considered. Applicant submits that none

MY-29

of these references add anything to the teachings of Clarke and Hansen so as to suggest the present invention as discussed above.

In view of these considerations it is respectfully submitted that the rejections of claims 4, 5, 8 and 9 under 35 U.S.C. 103(a) are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By



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MY-29

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on January 17, 2007.

By: 
Klaus P. Stoffel

Date: January 17, 2007